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| LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201 | | | BAYARD, DJENANE M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2141 | |
| DATE MAILED: 05/20/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,723

Applicant(s)

JOHNSON ET AL.

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 and 73-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-71, 73 and 75-81 is/are rejected.
- 7) ☐ Claim(s) 74 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to amendment filed on 1/14/05 in which claims 1-71 and 73-81 are pending.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “destination device” and “server device” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Applicant is required to be consistent in the naming of the elements throughout the specification, claims and drawing.

Response to Arguments

4. Applicant's arguments with respect to claims 1-71 and 73-81 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-23, 28-36, 41-50, 54-59, 60-61, 65-75 and 80-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over the International Application Published under the Patent corporation Treaty (PCT) to Arthur et al in view of U.S. Patent No 6,826,594 to Pettersen.

1. As per claim 1, Arthur et al teaches a system, comprising: a destination device configured to request data; a tracking device configured to receive tracking information from the destination device when the data is provided to the destination device; maintain the tracking information in a database; associated the tracking information in a database; associated the tracking information with the destination device; and server device configured to provide the data that includes the tracking information to the destination device (See page 6, lines 25). However, Arthur et al fails to teach receiving the request for the data from the destination device and redirect the request and the server device further configured to receive the redirected request for the data from the tracking device.

Pettersen teaches a method and system for remote content management of a designated portion of a web page. Furthermore, Pettersen teaches a user may activate (e.g., click on) the click-through link, which will cause the user system browser to send to the central linking web site a redirect request to the merchant web site. The central linking Web site tracks the user's request, then processes the request and redirects the user system to the merchant web site. The merchant web site then serves a web page corresponding to the destination link for display or other processing at the user system (See col. 14, lines 48-56).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate receiving the request for the data from the destination device and redirect the request and the server device further configured to receive the redirected request for the data from the tracking device as taught by Pettersen in the claimed invention Arthur et al in order to centralized the accounting needed to compensate affiliates for click-through, banner

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advertisements, and sales resulting from the display of merchant advertising or links on the affiliate web sites (See col. 2, line 10-20).

2. As per claim 14, Arthur et al teaches a system comprising a database configured to maintain the tracking information and associate the tracking information with the requesting device (See page 11, lines 21-32); However, Arthur et al fails to teach a tracking device configured to receive a request for data from a requesting device and redirect the request for the data to a data provider, the request including tracking information relating to the request for data and a server device configured to receive the redirected request for the data from the tracking device data from the first device, and provide the data to the requesting device.

Pettersen teaches a method and system for remote content management of a designated portion of a web page. Furthermore, Pettersen teaches a user may activate (e.g., click on) the click-through link, which will cause the user system browser to send to the central linking web site a redirect request to the merchant web site. The central linking Web site tracks the user's request, then processes the request and redirects the user system to the merchant web site. The merchant web site then serves a web page corresponding to the destination link for display or other processing at the user system (See col. 14, lines 48-56).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate receiving the request for the data from the destination device and redirect the request and the server device further configured to receive the redirected request for the data from the tracking device as taught by Pettersen in the claimed invention Arthur et al in order to centralized the accounting needed to compensate affiliates for click-throughs, banner

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advertisements, and sales resulting from the display of merchant advertising or links on the affiliate web sites (See col. 2, line 10-20).

3. As per claims 29 and 55, Arthur et al teaches the tracking component further configured to receive the content-tracking information from the requesting device when the content is provided to the requesting device (See page 14, lines 18-21); maintain the request-tracking information and the content-tracking information; and associate the request-tracking information and the content-tracking information with the requesting device (See page 8, lines 12-14, page 8, lines 29-30 and page 3, lines 13-29); Arthur et al teaches wherein the request for content including request tracking information and the content including content-tracking information relating to providing the content (See page 14, lines 16-26).

However, Arthur et al fails to teach wherein the tracking component is configured to receive a request for content from a requesting device, the request for content including request-tracking information relating to the request for content and a content provider configured to receive the request for content from the tracking component, and provide the content to the requesting device, the content including content-tracking information relating to providing the content.

Pettersen teaches a user may activate (e.g., click on) the click-through link, which will cause the user system browser to send to the central linking web site a redirect request to the merchant web site. The central linking Web site tracks the user's request, then processes the request and redirects the user system to the merchant web site. The merchant web site then serves a web page corresponding to the destination link for display or other processing at the user system (See col. 14, lines 48-56).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the tracking component is configured to receive a request for content from a requesting device, the request for content including request-tracking information relating to the request for content and a content provider configured to receive the request for content from the tracking component, and provide the content to the requesting device, the content including content-tracking information relating to providing the content as taught by Pettersen in the claimed invention Arthur et al in order to centralized the accounting needed to compensate affiliates for click-throughs, banner advertisements, and sales resulting from the display of merchant advertising or links on the affiliate web sites (See col. 2, line 10-20).

4. As per claims 42 and 67, Arthur et al teaches an application component configured to: and a database configured to maintain the request-tracking information and the content-tracking information, and further configured to associate the request-tracking information and the content-tracking information with the destination device (See page 11, lines 21-32 and page 14, lines 27-34).

Pettersen teaches a method and system for remote content management of a designated portion of a web page. Furthermore, Pettersen teaches a user may activate (e.g., click on) the click-through link, which will cause the user system browser to send to the central linking web site a redirect request to the merchant web site. The central linking Web site tracks the user's request, then processes the request and redirects the user system to the merchant web site. The

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merchant web site then serves a web page corresponding to the destination link for display or other processing at the user system (See col. 14, lines 48-56).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate receiving the request for the data from the destination device and redirect the request and the server device further configured to receive the redirected request for the data from the tracking device as taught by Pettersen in the claimed invention Arthur et al in order to centralized the accounting needed to compensate affiliates for click-throughs, banner advertisements, and sales resulting from the display of merchant advertising or links on the affiliate web sites (See col. 2, line 10-20).

5. As per claims 2, 16 and 30, Arthur et al teaches a system wherein the server device includes the tracking device. (See page 12, lines 5-25).

6. As per claims 3 and 17, Arthur et al teaches wherein the tracking device is further configured to associate the tracking information with a user of the destination device (See page 10, lines 3-14).

7. As per claims 4 and 32, Arthur et al teaches wherein the tracking device receives the tracking information from the destination device after the data is rendered at the destination device (See page 14, lines 1-15)

8. As per claim 5, Arthur et al teaches wherein the tracking information includes a

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designation of the tracking device, such that the tracking information is communicated to the tracking device based upon the designation (See page 12, lines 13-15)

9. As per claim 6, Arthur et al teaches wherein the tracking information identifies the server device as a provider of the data (See page 14, lines 18-21).

10. As per claim 7, Arthur et al teaches wherein the tracking information identifies the destination device (See page 14, lines 18-19).

11. As per claim 8, Arthur et al teaches wherein a destination device identifier is included as part of the tracking information when the data is provided to the destination device (See page 13, lines 15-20).

12. As per claims 9 and 21, Arthur et al teaches wherein the tracking information identifies the data (See page 15, lines 1-19).

13. As per claims 10,22,46 and 49, Arthur et al teaches wherein the tracking information is a uniform resource locator (See page 13, lines 15-20).

14. As per claims 11,23,34,47,50,69 and 74, Arthur et al teaches wherein the content tracking information is included as part of a uniform resource locator that designates the tracking device, identifies the data device as a provider of the data, identifies the destination device, and

identifies the data (See page 15, lines 1-19).

15. As per claim 12, Arthur et al teaches wherein: the tracking device is further configured to receive a request for additional data from the destination device, the request including request-tracking information; the database is further configured to maintain the request-tracking information and associate the request-tracking information with the destination device (See page 7, lines 17-18); and the first device is further configured to receive the request for the additional data from the tracking device, and provide the additional data to the destination device (See page 10, lines 12).

16. As per claim 13, 28 and 41, Arthur et al et al teaches a computing device comprising the system as recited in claim 1 (See page 4).

17. As per claim 15, Arthur et al teaches wherein the request further includes a data provider designation that designates the tracking device (see page 9).

18. As per claim 18, Arthur et al teaches wherein the request designates the server device as a provider of the data, and wherein the tracking information includes a designation of the tracking device, such that the request is first communicated to the tracking device based upon the designation (See page 14).

19. As per claim 19, Arthur et al teaches wherein the tracking information identifies the

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server device as the data provider. (See page 13).

20. As per claim 20, Arthur et al teaches wherein the tracking information identifies the requesting device as a destination of the data (See page 13).

21. As per claim 31, Arthur et al teaches wherein the tracking component is further configured to associate the request-tracking information and the content-tracking information with a user of the requesting device (See page 10, lines 3-14).

22. As per claim 30, Arthur et al teaches wherein the content provider includes the tracking component (See page 10).

23. As per claim 33, Arthur et al teaches wherein a requesting device identifier is included as part of the content-tracking information when the content is provided to the requesting device (See page 4, lines 4-6).

24. As per claim 35, Arthur et al teaches wherein the request designates the content provider as a provider of the content, and wherein the request-tracking information includes a designation of the tracking component, such that the request is first communicated to the tracking component based upon the designation (See page 13, lines 15-20).

25. As per claim 36, Arthur et al teaches wherein the request-tracking information is included

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as part of a uniform resource locator that designates the tracking component to first receive the request for content, identifies the content provider, identifies the requesting device, and identifies the content (See page 15, lines 1-19).

26. As per claim 43, Arthur et al teaches wherein the database is further configured to associate the request-tracking information and the content-tracking information with a user of the destination device (See page 14).

27. As per claim 44, Arthur et al teaches wherein the application component receives the content-tracking information from the destination device after the content is rendered at the destination device (See page 14).

28. As per claim 45, Arthur et al teaches wherein a destination device identifier is included as part of the content-tracking information when the content is provided to the destination device (See page 13).

29. As per claim 48, Arthur et al teaches wherein the request designates the content provider as a provider of the content, and wherein the request-tracking information includes a designation of the computing device, such that the request is first communicated to the computing device based upon the designation (See page 15).

30. As per claim 34, Arthur et al teaches wherein the request for content is generated from a selectable connection within a user interface of an application component at the destination device, and wherein the request-tracking information identifies the selectable connection, the application component that includes the selectable connection, and a location of the selectable connection within the user interface (See page 15).

31. As per claim 56, Arthur et al teaches associating the request-tracking information and the content-tracking information with the destination device (See page 14).

34. As per claim 57, Arthur et al teaches associating the request-tracking information and the content-tracking information with a user of the destination device (See page 4).

32. As per claim 58, Arthur et al teaches wherein the content-tracking information is received after the content has been provided to the destination device (See page 4).

33. As per claim 59, Arthur et al teaches wherein the content-tracking information is received after the content has been rendered at the destination device (See page 15).

34. As per claim 60, Arthur et al teaches wherein said storing comprises storing a content provider identifier that identifies the content provider, a destination device identifier that identifies the destination device, and a content identifier that identifies the content (See page 13).

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35. As per claim 61, Arthur et al teaches wherein said storing comprises storing a content provider identifier that identifies the content provider, a destination device identifier that identifies the destination device, a content identifier that identifies the content, and a user identifier that identifies a user of the destination device (See page 13).

36. As per claim 66, Arthur et al teaches one or more computer-readable media comprising computer executable instructions that, when executed, direct a computing system to perform the method of claim 55 (See page 3).

37. As per claim 68 and 73, Arthur et al teaches one or more computer-readable media as comprising associating the tracking information with a user of the requesting device (See page 13, lines 1-35).

38. As per claim 70, Arthur et al teaches wherein said storing comprises storing a data provider identifier that identifies a data provider said providing the data, a destination device identifier that identifies the destination device, and a data identifier that identifies the data (See page 14).

39. As per claim 71, Arthur et al teaches receiving a request for additional data from the destination device, the request including request-tracking information; storing the additional request-tracking information; associating the additional request-tracking information with the requesting device (See page 10).

40. As per claim 75, Arthur et al teaches wherein said storing comprises storing a data provider identifier that identifies the data provider, a requesting device identifier that identifies the requesting device, and a data identifier that identifies the data (See page 4, lines 4-6).

41. As per claim 76, Arthur et al teaches determining from the tracking information, a selectable connection identifier for a selectable connection, a rendered content identifier for rendered content, and a location identifier for a location, wherein the request for data is generated from the selectable connection at the identified location within the rendered content at the requesting device (See page 15).

42. As per claim 77, Arthur et al teaches determining from the tracking information, a data link identifier for a data link, a Web page identifier for a Web page, and a location identifier for a location, wherein the request for data is generated from the data link at the identified location within the Web page at the requesting device (See page 15).

43. As per claims 80 and 81, Arthur et al teaches the claimed invention as described above. However, Arthur et al fails to teach wherein the tracking component is further configured to receive the request for the content from the requesting device and redirect the request to the content provider.

Pettersen teaches a method and system for remote content management of a designated portion of a web page. Furthermore, Pettersen teaches a user may activate (e.g., click on) the click-through link, which will cause the user system browser to send to the central linking web site a redirect request to the merchant web site. The central linking Web site tracks the user's request, then processes the request and redirects the user system to the merchant web site. The merchant web site then serves a web page corresponding to the destination link for display or other processing at the user system (See col. 14, lines 48-56).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate receiving the request for the data from the destination device and redirect the request and the server device further configured to receive the redirected request for the data from the tracking device as taught by Pettersen in the claimed invention Arthur et al in order to centralized the accounting needed to compensate affiliates for click-throughs, banner advertisements, and sales resulting from the display of merchant advertising or links on the affiliate web sites (See col. 2, line 10-20).

7. Claims 24-27, 37-40, 51-53, 62-64, 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by the International Application Published under the Patent Corporation Treaty (PCT) No. WO 02/17205 to Arthur et al in view of U.S. Patent No 6,826,594 to Pettersen as applied to claims 1, 14, 29, 42, 55 and 67 above, and further in view of U.S. Patent Publication No 2002/0116494 to Kocol.

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1. As per claims 24,37, 51, 62 and 76, Arthur et al teaches the claimed invention as described above. However, Arthur et al fails to teach wherein the request for data is generated from a selectable data link within rendered content at the requesting device and wherein the tracking information identifies the selectable data link and the rendered content that includes the selectable data link.

Kocol et al teaches wherein the request for data is generated from a selectable data link within rendered content at the requesting device and wherein the tracking information identifies the selectable data link and the rendered content that includes the selectable data link (See page 2, paragraph [0025])

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the request for data is generated from a selectable data link within rendered content at the requesting device and wherein the tracking information identifies the selectable data link and the rendered content that includes the selectable data link as taught by Kocol et al in the claimed invention of Arthur et al in order to provide link-tracking information (See page 2, paragraph [0025]).

2. As per claims 25,38,52, 63 and 77, Arthur et al teaches the claimed invention as described above. However, Arthur et al fails to teach wherein the request for data is generated from a selectable data link within rendered content at the requesting device, and wherein the tracking information identifies the selectable data link and a location of the selectable data link within the rendered content.

Kocol et al teaches wherein the request for data is generated from a selectable data link within rendered content at the requesting device, and wherein the tracking information identifies the selectable data link and a location of the selectable data link within the rendered content (See page 2, paragraph [0025]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the request for data is generated from a selectable data link within rendered content at the requesting device, and wherein the tracking information identifies the selectable data link and a location of the selectable data link within the rendered content as taught by Kocol in the claimed invention of Arthur et al in order to provide link-tracking information (See page 2, paragraph [0025]).

3. As per claims 26,39,53, 64 and 78, Arthur et al teaches the claimed invention as described above. However, Arthur et al fails to teach wherein the request for data is generated from a selectable data link within rendered content at the requesting device, and wherein the tracking information identifies the selectable data link, the rendered content that includes the selectable data link, and a location of the selectable data link within the rendered content.

Kocol et al teaches wherein the request for data is generated from a selectable data link within rendered content at the requesting device, and wherein the tracking information identifies the selectable data link, the rendered content that includes the selectable data link, and a location of the selectable data link within the rendered content (See page 2, paragraph [0025]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the request for data is generated from a selectable data link

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within rendered content at the requesting device, and wherein the tracking information identifies the selectable data link, the rendered content that includes the selectable data link, and a location of the selectable data link within the rendered content as taught by Kocol in the claimed invention of Arthur et al in order to provide link-tracking information (See page 2, paragraph [0025]).

4. As per claims 27 and 40, Arthur et al teaches the claimed invention as described above. However, Arthur et al fails to teach wherein the request for data is generated from a selectable data link within rendered content at the requesting device; and the tracking information is included as part of a uniform resource locator that designates the first device to first receive the request for data, and further identifies the data, the tracking device as a provider of the data, the requesting device as a destination of the data, the selectable data link, the rendered content that includes the selectable data link, and a location of the selectable data link within the rendered content.

Kocol et al teaches wherein the request for data is generated from a selectable data link within rendered content at the requesting device; and the tracking information is included as part of a uniform resource locator that designates the first device to first receive the request for data, and further identifies the data, the tracking device as a provider of the data, the requesting device as a destination of the data, the selectable data link, the rendered content that includes the selectable data link, and a location of the selectable data link within the rendered content (See page 5, paragraph [0047-0051]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the request for data is generated from a selectable data link within rendered content at the requesting device; and the tracking information is included as part of a uniform resource locator that designates the first device to first receive the request for data, and further identifies the data, the tracking device as a provider of the data, the requesting device as a destination of the data, the selectable data link, the rendered content that includes the selectable data link, and a location of the selectable data link within the rendered content as taught by Kocol et al in the claimed invention of Arthur et al in order to provide link-tracking information (See page 2, paragraph [0025]).

Allowable Subject Matter

8. Claim 79 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

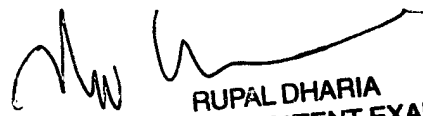
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER